

## **REMARKS**

Claims 2-6, 9, and 11-15 are pending in the application, claims 7, 8, and 10 being canceled herein. Claim 1 was cancelled previously. Claim 15 is the only independent claim.

### ***Drawings***

The drawings stand objected to under 37 C.F.R. § 1.83(a) as failing to show every feature set forth in the claims. In particular, the Examiner cites the flow gauge of claim 6, the vibrator and the float ball of claim 7, the motor drive three-way valve of claim 8, and the flow display of claim 10 as not being shown in the drawings.

In partial response to the objection to the drawings under 37 C.F.R. § 1.83(a), applicant cancels claims 7, 8, and 10 herein. Applicant respectfully traverses the drawing objection with respect to the flow gauge of claim 6. The flow gauge is shown at reference numeral 22 in Figure 2.

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include reference numeral 334 recited in the specification.

In response to the objection to the drawings under 37 C.F.R. § 1.84(p)(5), the reference numeral 334 has been deleted from the specification.

### ***Claims Rejections - 35 U.S.C. § 112***

Claims 6 and 7 stand rejected under 35 U.S.C. § 112, first paragraph, as being failing to comply with the enablement requirement. The Examiner specifically maintains that the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the invention. The Examiner points in particular to the flow gauge of claim 6 and the vibrator, flow gauge and float ball of claim 7.

Claims 6 and 7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains that the flow gauge of claim 6 is not adequately illustrated or described. The Examiner has assumed the flow gauge to be any automatic control for terminating ventilation in the presence of moisture in the path of the aspirator. For this interpretation the Examiner relies on applicant's page 5, lines 14-21.

Claim 7 has been canceled herein. Accordingly, the rejections of claim 7 under 35 U.S.C. § 112, first paragraph and second paragraph, are moot.

Applicant respectfully traverses the rejections of claim 6 under 35 U.S.C. § 112, first paragraph and second paragraph. Applicant maintains that the disclosure is sufficient with respect to the flow gauge to enable one of ordinary skill in the art to make and use the invention. The specification describes the flow gauge (22) as monitoring ("noting") the passage of air in the conduit or piping leading to the aspirator. In response to the flow gauge detecting a reduction in the passage of air, possibly caused by some obstruction in the piping, the aspirator interrupts its functioning. One of ordinary skill in the art would know enough from this description enough to acquire an off-the-shelf airflow sensor and connect it to the aspirator for the described purposes. It is not necessary to design or build an airflow sensor from scratch. Accordingly, a detailed description of the airflow gauge (22) is not necessary for one of ordinary skill in the art to make and use the invention as set forth in claim 6.

With respect to the rejection of claim 6 under 35 U.S.C. § 112, second paragraph, it is respectfully averred that the Examiner has misread applicant's disclosure on page 5, lines 14-21. Applicant's flow gauge (22) is not a moisture sensor but an airflow sensor. The flow gauge detects the passage of air. When there is insufficient air flow, the flow gauge induces the aspirator to interrupt its functioning.

To clarify claim 6, that claim has been amended herein to recite that the flow gauge is an airflow gauge. To clarify the disclosure, Paragraph 0019 of the published specification has been amended to recite that the flow gauge is operatively connected to the aspirator (not new matter since the flow gauge must be operatively connected to the aspirator to change the functioning thereof). Paragraph 0019 has been further amended to correct some spelling errors and to change the word "note" to "detect" to accord with contemporary English idiom or usage.

#### *Claims Rejections - 35 U.S.C. §§ 102 and 103*

Claims 2, 3, 4, 9, 13, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,044,018 to Gandini.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of International Patent Application Publication No. WO01/86080 (Salvagno).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of International Patent Application Publication No. WO01/86080 (Salvagno) and further in view of U.S. Patent No. 4,007,498 to Pearson.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of International Patent Application Publication No. WO01/86080

(Salvagno) and U.S. Patent No. 4,007,498 to Pearson in view of applicant's admitted prior art.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of International Patent Application Publication No. WO01/86080 (Salvagno) and further in view of applicant's admitted prior art.

Claim 8 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of U.S. Patent No. 3,568,216 to Valdespino and U.S. Patent No. 5,226,454 to Cabalfin.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of applicant's admitted prior art.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gandini in view of U.S. Patent Application Publication No. 2003/0163863 (Stone).

Applicant respectfully traverses the Examiner's rejection of the claims over the prior art. In particular, applicant respectfully traverses the rejection of claim 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,044,018 to Gandini.

Claim 15 sets forth an aspirating apparatus for toilets comprising, *inter alia*, aspirating ducts with aspirating openings provided near to a deposition area of urine and faeces in a toilet bowl cavity, the aspirating ducts being provided in a front wall and side walls of the bowl and being connected to ends of a back portion of a ring duct for washing water distribution in the bowl. Nothing in the prior art and particularly in the Gandini reference teaches or suggests aspirating ducts with aspirating openings near to a deposition area of urine and faeces in a toilet bowl cavity. In the apparatus of Gandini, the aspirating openings (100) are disposed along

an upper rim of the toilet (see Gandini Fig. 3), which is just about as far away from the deposition area of urine and faeces that one could get.

None of the other prior art references relied on by the Examiner discloses or suggests aspirating ducts with aspirating openings near to a deposition area of urine and faeces in a toilet bowl cavity. The other references teach that aspirating of malodorous vapors is to be implemented via the wash water openings and ducts of the cleaning system. These openings are disposed away from the area of urine and faeces deposition. In the other cited prior art references, there are no separate aspirating ducts and openings.

The positioning of the aspirating openings in the front and side walls of the toilet bowl near the deposition area enhances the effectiveness of the aspiration while reducing the chances of blockage relative to having openings in a rear wall of the toilet bowl.

Nothing in the prior art and particularly in the Gandini reference teaches or suggests that the aspirating ducts are connected to ends of a back portion of a ring duct for washing water distribution in the bowl. Pursuant to the teachings of the Gandini reference, the aspirating ducts are completely separate from the washing ducts, there is no connecting of the aspirating passageways to the wash water passageways. Specifically, the washing system of Gandini includes a chamber (9), ducts (110) and outlet openings (8), while the aspirating system separately includes chambers (10) and outlet openings (100).

In the prior art aspirating systems disclosed in the other cited references, the wash water ducts are used as the aspiration pathway. There are no separate aspirating

ducts. See, for instance, International Patent Application Publication No. WO01/86080 (Salvagno), U.S. Patent No. 4,007,498 to Pearson, and U.S. Patent No. 3,568,216 to Valdespino. Accordingly, there are no aspirating openings near to a deposition area of urine and faeces in a toilet bowl cavity, as set forth in applicant's claim 15, and there can be no connection aspirating ducts are connected to ends of a back portion of a ring duct for washing water distribution in the bowl, also as set forth in applicant's claim 15.

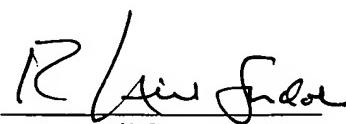
***Conclusion***

For the foregoing reasons, independent claim 15, as well as the claims dependent therefrom, is deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By:   
R. Neil Sudol  
Reg. No. 31,669

714 Colorado Avenue  
Bridgeport, CT 06605-1601  
(203) 366-3560

Dated: March 20, 2007